

Union Calendar No. 387

105TH CONGRESS
2D Session

H. R. 3625

[Report No. 105-685]

A BILL

To establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes.

August 7, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Mr. CANNON introduced the following bill; which was referred to the Committee on Resources

AUGUST 7, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 1, 1998]

A BILL

To establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “San Rafael Swell Na-*
 3 *tional Heritage and Conservation Act”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I—SAN RAFAEL SWELL NATIONAL HERITAGE AREA

Sec. 101. Short title; findings; purposes.

Sec. 102. Designation.

Sec. 103. Definitions.

Sec. 104. Grants, technical assistance, and other duties and authorities of Federal agencies.

Sec. 105. Compact and heritage plan.

Sec. 106. Heritage Council.

Sec. 107. Lack of effect on land use regulation.

Sec. 108. Authorization of appropriations.

TITLE II—SAN RAFAEL SWELL NATIONAL CONSERVATION AREA

Subtitle A—Establishment of Conservation Area

Sec. 201. Definition of plan.

Sec. 202. Establishment of national conservation area.

Sec. 203. Management.

Sec. 204. Additions.

Sec. 205. Advisory Council.

Sec. 206. Relationship to other laws and administrative provisions.

Sec. 207. Communications equipment.

Subtitle B—Wilderness Areas Within Conservation Area

Sec. 221. Designation of wilderness.

Sec. 222. Administration of wilderness areas.

Sec. 223. Livestock.

Sec. 224. Wilderness release.

Subtitle C—Other Special Management Areas

Sec. 231. San Rafael Swell Desert Bighorn Sheep Management Area.

Sec. 232. Semi-primitive nonmotorized use areas.

Sec. 233. Scenic visual area of critical environmental concern.

TITLE III—GENERAL MANAGEMENT PROVISIONS

Sec. 301. Livestock grazing.

Sec. 302. Cultural and paleontological resources.

Sec. 303. Land exchanges relating to school and institutional trust lands.

Sec. 304. Water rights.
Sec. 305. Miscellaneous.

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *ADVISORY COUNCIL.*—*The term “Advisory*
 4 *Council” means the San Rafael Swell National Con-*
 5 *servation Area Advisory Council established under*
 6 *section 205.*

7 (2) *CONSERVATION AREA.*—*The term “conserva-*
 8 *tion area” means the San Rafael Swell National Con-*
 9 *servation Area established by section 202.*

10 (3) *DIRECTOR.*—*The term “Director” means the*
 11 *Director of the Bureau of Land Management.*

12 (4) *NATIONAL HERITAGE AREA.*—*The term “na-*
 13 *tional heritage area” means the San Rafael Swell Na-*
 14 *tional Heritage Area established by section 103.*

15 (5) *SECRETARY.*—*The term “Secretary” means*
 16 *the Secretary of the Interior, acting through the Di-*
 17 *rector of the Bureau of Land Management.*

18 (6) *SEMI-PRIMITIVE AREA.*—*The term “semi-*
 19 *primitive area” means any area designated as a*
 20 *semi-primitive nonmotorized use area under section*
 21 *232.*

***TITLE I—SAN RAFAEL SWELL
NATIONAL HERITAGE AREA***

SEC. 101. SHORT TITLE; FINDINGS; PURPOSES.

*(a) SHORT TITLE.—This title may be cited as the
“San Rafael Swell National Heritage Area Act”.*

(b) FINDINGS.—Congress finds the following:

*(1) The history of the American West is one of
the most significant chapters of United States history,
and the major themes and images of the history of the
American West provide a legacy that has done much
to shape the contemporary culture, attitudes, and val-
ues of the American West and the United States.*

*(2) The San Rafael Swell region of the State of
Utah was one of the country’s last frontiers and pos-
sesses important historical, cultural, and natural re-
sources that are representative of the central themes
associated with the history of the American West, in-
cluding themes of pre-Columbian and Native Amer-
ican culture, exploration, pioneering, settlement,
ranching, outlaws, prospecting and mining, water de-
velopment and irrigation, railroad building, indus-
trial development, and the utilization and conserva-
tion of natural resources.*

*(3) The San Rafael Swell region contains impor-
tant historical sites, including sections of the Old*

1 *Spanish Trail, the Outlaw Trail, the Green River*
2 *Crossing, and numerous sites associated with cowboy,*
3 *pioneer, and mining history.*

4 (4) *The heritage of the San Rafael Swell region*
5 *includes the activities of many prominent historical*
6 *figures of the old American West, such as Chief Walk-*
7 *er, John Wesley Powell, Kit Carson, John C. Fre-*
8 *mont, John W. Gunnison, Butch Cassidy, John W.*
9 *Taylor, and the Swasey brothers.*

10 (5) *The San Rafael Swell region has a notable*
11 *history of coal and uranium mining, and a rich cul-*
12 *tural heritage of activities associated with mining,*
13 *such as prospecting, railroad building, immigrant*
14 *workers, coal camps, labor union movements, and*
15 *mining disasters.*

16 (6) *The San Rafael Swell region is widely recog-*
17 *nized for its significant paleontological resources and*
18 *dinosaur bone quarries, including the Cleveland*
19 *Lloyd Dinosaur Quarry which was designated as a*
20 *National Natural Landmark in 1966.*

21 (7) *The beautiful rural landscapes, historic and*
22 *cultural landscapes, and spectacular scenic vistas of*
23 *the San Rafael Swell region contain significant unde-*
24 *veloped recreational opportunities for people through-*
25 *out the United States.*

1 (8) *Museums and visitor centers have already*
2 *been constructed in the San Rafael Swell region, in-*
3 *cluding the John Wesley Powell River History Mu-*
4 *seum, the College of Eastern Utah Prehistoric Mu-*
5 *seum, the Museum of the San Rafael, the Western*
6 *Mining and Railroad Museum, the Emery County*
7 *Pioneer Museum, and the Cleveland Lloyd Dinosaur*
8 *Quarry, and these museums are available to interpret*
9 *the themes of the national heritage area established by*
10 *this title and to coordinate the interpretive and pres-*
11 *ervation activities of the area.*

12 (9) *Despite the efforts of the State of Utah, polit-*
13 *ical subdivisions of the State, volunteer organizations,*
14 *and private businesses, the cultural, historical, natu-*
15 *ral, and recreational resources of the San Rafael*
16 *Swell region have not realized their full potential and*
17 *may be lost without assistance from the Federal Gov-*
18 *ernment.*

19 (10) *Many of the historical, cultural, and sci-*
20 *entific sites of the San Rafael Swell region are located*
21 *on lands owned by the Federal Government and are*
22 *managed by the Bureau of Land Management or the*
23 *United States Forest Service.*

24 (11) *The preservation of the cultural, historical,*
25 *natural, and recreational resources of the San Rafael*

1 *Swell region within a regional framework requires co-*
2 *operation among local property owners and Federal,*
3 *State, and local government entities.*

4 (12) *Partnerships between Federal, State, and*
5 *local governments, local and regional entities of these*
6 *governments, and the private sector offer the most ef-*
7 *fective opportunities for the enhancement and man-*
8 *agement of the cultural, historical, natural, and rec-*
9 *reational resources of the San Rafael Swell region.*

10 (c) *PURPOSES.—The purposes of this title are—*

11 (1) *to establish the San Rafael Swell National*
12 *Heritage Area to promote the preservation, conserva-*
13 *tion, interpretation, and development of the histori-*
14 *cal, cultural, natural, and recreational resources re-*
15 *lated to the historical, cultural, and industrial herit-*
16 *age of the San Rafael Swell region of the State of*
17 *Utah, which includes the counties of Carbon and*
18 *Emery, and portions of the county of Sanpete;*

19 (2) *to encourage within the national heritage*
20 *area a broad range of economic and recreational op-*
21 *portunities to enhance the quality of life for present*
22 *and future generations;*

23 (3) *to assist the State of Utah, political subdivi-*
24 *sions of the State and their local and regional enti-*
25 *ties, and nonprofit organizations, or combinations*

1 *thereof, in preparing and implementing a heritage*
 2 *plan for the national heritage area and in developing*
 3 *policies and programs that will preserve, enhance,*
 4 *and interpret the cultural, historical, natural, rec-*
 5 *reational, and scenic resources of the heritage area;*
 6 *and*

7 *(4) to authorize the Secretary of the Interior to*
 8 *provide financial assistance and technical assistance*
 9 *to support the preparation and implementation of the*
 10 *heritage plan for the national heritage area.*

11 **SEC. 102. DESIGNATION.**

12 *There is hereby designated the San Rafael Swell Na-*
 13 *tional Heritage Area.*

14 **SEC. 103. DEFINITIONS.**

15 *For purposes of this title:*

16 *(1) COMPACT.—The term “compact” means an*
 17 *agreement described in section 105(a).*

18 *(2) FINANCIAL ASSISTANCE.—The term “finan-*
 19 *cial assistance” means funds appropriated by the*
 20 *Congress and made available to the Heritage Council*
 21 *for the purposes of preparing and implementing a*
 22 *heritage plan.*

23 *(3) HERITAGE AREA.—The term “Heritage*
 24 *Area” means the San Rafael Swell National Heritage*
 25 *Area established by this title.*

1 (4) *HERITAGE PLAN*.—The term “heritage plan”
2 means a plan described in section 105(b).

3 (5) *HERITAGE COUNCIL*.—The term “Heritage
4 Council” means the entity designated in the compact
5 for a National Heritage Area and described in section
6 106(a).

7 (6) *SECRETARY*.—The term “Secretary” means
8 the Secretary of the Interior.

9 (7) *TECHNICAL ASSISTANCE*.—The term “tech-
10 nical assistance” includes—

11 (A) assistance by the Secretary in the prep-
12 aration of any heritage plan, compact, or re-
13 source inventory; and

14 (B) professional guidance provided by the
15 Secretary.

16 (8) *UNIT OF GOVERNMENT*.—The term “unit of
17 government” means the government of a State, a po-
18 litical subdivision of a State, or an Indian tribe.

19 **SEC. 104. GRANTS, TECHNICAL ASSISTANCE, AND OTHER**
20 **DUTIES AND AUTHORITIES OF FEDERAL**
21 **AGENCIES.**

22 (a) *GRANTS*.—

23 (1) *IN GENERAL*.—The Secretary may make
24 grants for the purposes of this title to any unit of gov-
25 ernment or to the Heritage Council.

1 (2) *PERMITTED AND PROHIBITED USES OF*
2 *GRANTS.*—

3 (A) *PERMITTED USES.*—*Grants made under*
4 *this section may be used for reports, studies, in-*
5 *terpretive exhibits, historic preservation projects,*
6 *construction of cultural, recreational, and inter-*
7 *pretive facilities that are open to the public, and*
8 *such other expenditures as are consistent with*
9 *this title.*

10 (B) *PROHIBITED USES.*—*Grants made*
11 *under this section may not be used for acquisi-*
12 *tion of real property or any interest in real*
13 *property.*

14 (3) *APPLICABILITY OF RESTRICTIONS TO SUB-*
15 *GRANTS.*—*For purposes of paragraph (2), any*
16 *subgrant made from funds received as a grant (or*
17 *subgrant) made under this section shall be treated as*
18 *a grant made under this section.*

19 (4) *PROTECTION OF FEDERAL INVESTMENT.*—
20 *Any grant made under this section shall be subject to*
21 *an agreement that conversion, use, or disposal of the*
22 *project so assisted for purposes contrary to the pur-*
23 *poses of this title, as determined by the Secretary,*
24 *shall result in a right of the United States to com-*
25 *ensation equal to the greater of—*

1 (A) all Federal funds made available to
2 such project under this title; or

3 (B) the proportion of the increased value of
4 the project attributable to such funds, as deter-
5 mined at the time of such conversion, use, or dis-
6 posal.

7 (b) *TECHNICAL ASSISTANCE.*—The Secretary may pro-
8 vide technical assistance with respect to this title.

9 (c) *DURATION OF ELIGIBILITY FOR GRANTS AND*
10 *TECHNICAL ASSISTANCE.*—The Secretary may not provide
11 any grant, and may provide only limited technical assist-
12 ance, under this title after the expiration of the 10-year pe-
13 riod beginning on the date of the designation of the Na-
14 tional Heritage Area.

15 (d) *DISQUALIFICATION FOR FEDERAL FUNDING.*—If a
16 heritage plan meeting the requirements of section 105(b) is
17 not forwarded to the Secretary as required under section
18 106(b)(1) within the time specified in section 106(b)(1), the
19 Secretary may not, after such time, provide technical assist-
20 ance or grants under this title until such a heritage plan
21 for the National Heritage Area is developed and forwarded
22 to the Secretary.

23 (e) *OTHER DUTIES AND AUTHORITIES OF SEC-*
24 *RETARY.*—

1 (1) *SIGNING OF COMPACT.*—*The Secretary shall*
2 *sign or withhold signature on any proposed compact*
3 *submitted under this title not later than 90 days after*
4 *receiving the proposed compact. If the Secretary with-*
5 *holds signature on the proposed compact, the Sec-*
6 *retary shall advise the submitter, in writing, of the*
7 *reasons. The Secretary shall sign or withhold signa-*
8 *ture on each proposed revision to the proposed com-*
9 *compact not later than 90 days after receiving the pro-*
10 *posed revision. A submitter shall hold a public meet-*
11 *ing in the immediate vicinity of the proposed Na-*
12 *tional Heritage Area before making any major revi-*
13 *sions in any proposed compact submitted under this*
14 *title.*

15 (2) *MONITORING OF NATIONAL HERITAGE*
16 *AREA.*—*The Secretary shall monitor the National*
17 *Heritage Area. Monitoring of the National Heritage*
18 *Area shall include monitoring to ensure compliance*
19 *with the terms of the compact for the area.*

20 (f) *DUTIES OF FEDERAL ENTITIES.*—*Any Federal en-*
21 *tity conducting or supporting activities within the National*
22 *Heritage Area, and any unit of government acting pursu-*
23 *ant to a grant of Federal funds or a Federal permit or*
24 *agreement and conducting or supporting such activities,*
25 *shall, to the maximum extent practicable—*

1 (1) *consult with the Secretary and the Heritage*
 2 *Council for the National Heritage Area with respect*
 3 *to such activities; and*

4 (2) *cooperate with the Secretary and the Herit-*
 5 *age Council in the carrying out of the duties of the*
 6 *Secretary and the Heritage Council under this title,*
 7 *and coordinate such activities to minimize any real*
 8 *or potential adverse impact on the National Heritage*
 9 *Area.*

10 (g) *PROHIBITION OF CERTAIN REQUIREMENTS.—The*
 11 *Secretary may not, as a condition of the award of technical*
 12 *assistance or financial assistance under this section, require*
 13 *any recipient of such assistance to enact or modify land*
 14 *use restrictions.*

15 **SEC. 105. COMPACT AND HERITAGE PLAN.**

16 (a) *COMPACT.—*

17 (1) *IN GENERAL.—The compact submitted under*
 18 *this title with respect to the National Heritage Area*
 19 *shall consist of an agreement entered into by the Sec-*
 20 *retary, the Secretary of Agriculture, and the Governor*
 21 *of Utah or a designee of the Governor, in coordination*
 22 *with the Heritage Council. Such agreement shall de-*
 23 *fine the area, describe anticipated programs for the*
 24 *area, and include information relating to the objec-*
 25 *tives and management of the area. Such information*

1 *shall include, but need not be limited to, each of the*
2 *following:*

3 (A) *BOUNDARIES.—A delineation of the*
4 *boundaries of the National Heritage Area. Such*
5 *boundaries shall include the land generally de-*
6 *scribed on the map entitled San Rafael Swell Na-*
7 *tional Heritage-Conservation Area Proposed,*
8 *dated June 12, 1998, which shall be on file and*
9 *available for public inspection in the office of the*
10 *Director of the Bureau of Land Management.*

11 (B) *MANAGEMENT ENTITY.—An identifica-*
12 *tion and description of the Heritage Council.*

13 (C) *NON-FEDERAL PARTICIPANTS.—A list of*
14 *the initial participants to be involved in develop-*
15 *ing and implementing the heritage plan and a*
16 *statement of the financial commitment of those*
17 *participants.*

18 (D) *GOALS, OBJECTIVES, AND CONCEPTUAL*
19 *FRAMEWORK.—A discussion of the goals, objec-*
20 *tives, and cost of the National Heritage Area, in-*
21 *cluding an explanation of—*

22 (i) *the conceptual framework, proposed*
23 *by the partners referred to in subparagraph*
24 *(C), for development and implementation of*

1 *the heritage plan for the National Heritage*
2 *Area; and*

3 (ii) *the costs associated with the con-*
4 *ceptual framework.*

5 (E) *ROLE OF STATE.*—*A description of the*
6 *role of the State of Utah.*

7 (2) *CONSISTENCY WITH ECONOMIC VIABILITY.*—
8 *The compact submitted under this title shall be con-*
9 *sistent with continued economic viability in the com-*
10 *munities within the National Heritage Area.*

11 (3) *INITIATION OF ACTIONS.*—*Actions called for*
12 *in the compact shall be initiated within a reasonable*
13 *time after designation of the National Heritage Area*
14 *and shall ensure effective implementation of the State*
15 *and local aspects of the compact.*

16 (b) *HERITAGE PLAN.*—

17 (1) *IN GENERAL.*—*The heritage plan forwarded*
18 *to the Secretary under this title shall be a plan which*
19 *sets forth the strategy to implement the goals and ob-*
20 *jectives of the National Heritage Area. The heritage*
21 *plan shall—*

22 (A) *present comprehensive recommendations*
23 *for the conservation, funding, management, and*
24 *development of the area;*

25 (B) *be prepared with public participation;*

1 (C) take into consideration existing Federal,
2 State, county, and local plans and involve resi-
3 dents, private property owners, public agencies,
4 and private organizations in the area;

5 (D) include a description of actions that
6 units of government and private organizations
7 could take to protect the resources of the area;
8 and

9 (E) specify existing and potential sources of
10 funding for the conservation, management, and
11 development of the area.

12 (2) *ADDITIONAL INFORMATION.*—The heritage
13 plan forwarded to the Secretary under this title also
14 shall include the following, as appropriate:

15 (A) *INVENTORY OF RESOURCES.*—An inven-
16 tory of important natural, cultural, or historic
17 resources which illustrate the themes of the Na-
18 tional Heritage Area.

19 (B) *RECOMMENDATIONS FOR MANAGE-*
20 *MENT.*—A recommendation of policies for man-
21 agement of the historical, cultural, and natural
22 resources and the recreational and educational
23 opportunities of the area in a manner consistent
24 with the support of appropriate and compatible
25 economic viability.

1 (C) *PROGRAM AND COMMITMENTS.*—A pro-
 2 gram for implementation of the heritage plan by
 3 the Heritage Council and specific commitments,
 4 for the first 5 years of operation of the heritage
 5 plan, by the partners identified in the compact.

6 (D) *ANALYSIS OF COORDINATION.*—An
 7 analysis of means by which Federal, State, and
 8 local programs may best be coordinated to pro-
 9 mote the purposes of this title.

10 (E) *INTERPRETIVE PLAN.*—An interpretive
 11 plan for the National Heritage Area.

12 (3) *RELATIONSHIP TO CONSERVATION AREA MAN-*
 13 *AGEMENT PLAN.*—The heritage plan and the conserva-
 14 tion area management plan shall not be inconsistent.
 15 However, nothing in the heritage plan may supersede
 16 the management plan for the conservation area under
 17 section 203, with respect to the application of the
 18 management plan to the conservation area.

19 **SEC. 106. HERITAGE COUNCIL.**

20 (a) *IN GENERAL.*—The management entity for the Na-
 21 tional Heritage Area shall be known as the “Heritage Coun-
 22 cil”. The Heritage Council shall be an entity that reflects
 23 a broad cross-section of interests within the National Herit-
 24 age Area and shall include—

1 (1) *at least 1 representative of one or more units*
2 *of government in the State of Utah;*

3 (2) *representatives of interested or affected*
4 *groups; and*

5 (3) *private property owners who reside within*
6 *the National Heritage Area.*

7 (b) *DUTIES.—The Heritage Council shall fulfill each*
8 *of the following requirements:*

9 (1) *HERITAGE PLAN.—Not later than 3 years*
10 *after the date of the designation of the National Her-*
11 *itage Area, the Heritage Council shall develop and*
12 *forward to the Secretary and to the Governor of Utah*
13 *a heritage plan in accordance with the compact under*
14 *subsection (a).*

15 (2) *PRIORITIES.—The Heritage Council shall*
16 *give priority to the implementation of actions, goals,*
17 *and policies set forth in the compact and heritage*
18 *plan for the National Heritage Area, including assist-*
19 *ing units of government and others in—*

20 (A) *carrying out programs which recognize*
21 *important resource values within the National*
22 *Heritage Area;*

23 (B) *encouraging economic viability in the*
24 *affected communities;*

1 (C) establishing and maintaining interpre-
2 tive exhibits in the area;

3 (D) developing recreational and educational
4 opportunities in the area;

5 (E) increasing public awareness of and ap-
6 preciation for the natural, historical, and cul-
7 tural resources of the area;

8 (F) restoring historic buildings that are lo-
9 cated within the boundaries of the area and re-
10 late to the theme of the area; and

11 (G) ensuring that clear, consistent, and ap-
12 propriate signs identifying public access points
13 and sites of interest are put in place throughout
14 the area.

15 (3) *CONSIDERATION OF INTERESTS OF LOCAL*
16 *GROUPS.*—The Heritage Council shall, in developing
17 and implementing the heritage plan for the National
18 Heritage Area, consider the interests of diverse units
19 of government, businesses, private property owners,
20 and nonprofit groups within the geographic area.

21 (4) *PUBLIC MEETINGS.*—The Heritage Council
22 shall conduct public meetings at least annually re-
23 garding the implementation of the heritage plan for
24 the National Heritage Area. The Heritage Council
25 shall place a notice of each such meeting in a news-

1 *paper of general circulation in the area and shall*
2 *make the minutes of the meeting available to the pub-*
3 *lic.*

4 **SEC. 107. LACK OF EFFECT ON LAND USE REGULATION.**

5 *(a) LACK OF EFFECT ON AUTHORITY OF GOVERN-*
6 *MENTS.—Nothing in this title shall be construed to modify,*
7 *enlarge, or diminish any authority of Federal, State, and*
8 *local governments to regulate any use of land as provided*
9 *for by law or regulation.*

10 *(b) LACK OF ZONING OR LAND USE POWERS OF EN-*
11 *TITY.—Nothing in this title shall be construed to grant pow-*
12 *ers of zoning or land use to the management entity for the*
13 *National Heritage Area.*

14 *(c) BLM AUTHORITY.—*

15 *(1) IN GENERAL.—Nothing in this title shall be*
16 *construed to modify, enlarge, or diminish the author-*
17 *ity of the Secretary or the Bureau of Land Manage-*
18 *ment with respect to lands under the administrative*
19 *jurisdiction of the Bureau.*

20 *(2) COOPERATION.—In carrying out this title,*
21 *the Secretary shall work cooperatively under the Fed-*
22 *eral Land Policy and Management Act of 1976 with*
23 *the Forest Service, the Heritage Council under section*
24 *106, State and local governments, and private enti-*
25 *ties.*

1 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—*There are authorized to be appro-*
3 *priated for grants made and technical assistance provided*
4 *under subsections (a) and (b), respectively, of section 104,*
5 *and the administration of such grants and assistance, not*
6 *more than \$1,000,000 annually, to remain available until*
7 *expended.*

8 (b) *ANNUAL ALLOCATION FOR GRANTS.*—*In any fiscal*
9 *year, not less than 70 percent of the funds obligated under*
10 *this title shall be used for grants made under section 104(a).*

11 (c) *LIMITATION ON PERCENT OF COST.*—

12 (1) *IN GENERAL.*—*Federal funding provided*
13 *under this title, after the designation of the National*
14 *Heritage Area, for any technical assistance or grant*
15 *with respect to the area may not exceed 50 percent of*
16 *the total cost of the assistance or grant. Federal fund-*
17 *ing provided under this title with respect to an area*
18 *before the designation of the area as the National*
19 *Heritage Area may not exceed an amount propor-*
20 *tionate to the level of local support of and commit-*
21 *ment to the designation of the area.*

22 (2) *TREATMENT OF DONATIONS.*—*The value of*
23 *property or services donated by non-Federal sources*
24 *and used for management of the National Heritage*
25 *Area shall be treated as non-Federal funding for pur-*
26 *poses of paragraph (1).*

1 (d) *LIMITATION ON TOTAL FUNDING.*—Not more than
 2 a total of \$10,000,000 may be made available under this
 3 section with respect to the National Heritage Area.

4 (e) *ALLOCATION OF APPROPRIATIONS.*—Notwithstand-
 5 ing any other provision of law, no funds appropriated or
 6 otherwise made available to the Secretary to carry out this
 7 title—

8 (1) may be obligated or expended by any person
 9 unless the appropriation of such funds has been allo-
 10 cated in the manner prescribed by this title; or

11 (2) may be obligated or expended by any person
 12 in excess of the amount prescribed by this title.

13 ***TITLE II—SAN RAFAEL SWELL***
 14 ***NATIONAL CONSERVATION AREA***
 15 ***Subtitle A—Establishment of***
 16 ***Conservation Area***

17 ***SEC. 201. DEFINITION OF PLAN.***

18 *In this title, the term “plan” means the comprehensive*
 19 *management plan developed for the national conservation*
 20 *area under section 203, including such revisions thereto as*
 21 *may be required in order to implement this title.*

22 ***SEC. 202. ESTABLISHMENT OF NATIONAL CONSERVATION***
 23 ***AREA.***

24 (a) *ESTABLISHMENT.*—In order to preserve and main-
 25 tain heritage, tourism, recreational, historical, scenic, ar-

1 *chaeological, paleontological, biological, cultural, scientific,*
2 *educational, and economic resources, there is hereby estab-*
3 *lished the San Rafael Swell National Conservation Area.*

4 **(b) AREA INCLUDED.**—*The conservation area shall*
5 *consist of all public lands within the exterior boundaries*
6 *of the conservation area, comprised of approximately*
7 *630,000 acres, as generally depicted on the map entitled*
8 *“San Rafael Swell National Heritage/Conservation Area*
9 *Proposed”, dated June 12, 1998, including areas depicted*
10 *within those boundaries on that map as “Proposed Wilder-*
11 *ness”, “Proposed Bighorn Sheep Management Area”, “Sce-*
12 *nic Visual Area of Critical Environmental Concern”, and*
13 *“Semi-Primitive Non-Motorized Use Areas”.*

14 **(c) MAP AND LEGAL DESCRIPTION.**—*As soon as is*
15 *practicable after enactment of this Act, the map referred*
16 *to in subsection (b) and a legal description of the conserva-*
17 *tion area shall be filed by the Secretary with the Committee*
18 *on Resources of the House of Representatives and the Com-*
19 *mittee on Energy and Natural Resources of the Senate.*
20 *Such map and description shall have the same force and*
21 *effect as if included in this Act, except that the Secretary*
22 *may correct clerical and typographical errors in such map*
23 *and legal description. Such map and description shall be*
24 *on file and available for public inspection in the office of*

1 *the Director and the Utah State Director of the Bureau of*
2 *Land Management of the Department of the Interior.*

3 (d) *WITHDRAWALS.—Subject to valid existing rights,*
4 *the Federal lands within the conservation area are hereby*
5 *withdrawn from all forms of entry, appropriation, or dis-*
6 *posal under the public land laws; and from entry, applica-*
7 *tion, and selection under the Act of March 3, 1877 (Ch.*
8 *107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly referred*
9 *to as the “Desert Lands Act”), section 4 of the Act of August*
10 *18, 1894 (Ch. 301, 28 Stat. 422; 43 U.S.C. 641; commonly*
11 *referred to as the “Carey Act”), section 2275 of the Revised*
12 *Statutes, as amended (43 U.S.C. 851), and section 2276 of*
13 *the Revised Statutes (43 U.S.C. 852). The Secretary shall*
14 *return to the applicants any such applications pending on*
15 *the date of enactment of this Act, without further action.*
16 *Subject to valid existing rights, as of the date of enactment*
17 *of this Act, lands within the conservation area are with-*
18 *drawn from location under the general mining laws, the*
19 *operation of the mineral and geothermal leasing laws, and*
20 *the mineral material disposal laws, except that mineral ma-*
21 *terials subject to disposal may be made available from exist-*
22 *ing sites to the extent compatible with the purposes for*
23 *which the conservation area is established.*

1 (e) *CLOSURE TO FORESTRY.*—*The Secretary shall pro-*
2 *hibit all commercial sale of trees, portions of trees, and for-*
3 *est products located in the conservation area.*

4 **SEC. 203. MANAGEMENT.**

5 (a) *IN GENERAL.*—*The Secretary shall, in consultation*
6 *with the Advisory Council and subject to valid existing*
7 *rights, manage the conservation area to conserve, protect,*
8 *and enhance the resources of the conservation area referred*
9 *to in section 202(a), the Federal Land Policy and Manage-*
10 *ment Act of 1976, and other applicable laws.*

11 (b) *USES.*—*The Secretary shall allow such uses of the*
12 *conservation area as are specified in the management plan*
13 *developed under subsection (b) and that the Secretary finds*
14 *will further the conservation, protection, enhancement, pub-*
15 *lic use, and enjoyment of the resource values referred to in*
16 *section 202(a). Except when needed for administrative and*
17 *emergency purposes, the uses of motorized vehicles in the*
18 *conservation area shall be permitted only on roads and*
19 *trails specifically designated for such use as part of the*
20 *management plan prepared pursuant to subsection (c).*

21 (c) *MANAGEMENT PLAN.*—*No later than 3 years after*
22 *the date of enactment of this Act, the Secretary, in coopera-*
23 *tion with the Advisory Council, shall develop a comprehen-*
24 *sive plan for the long-range management and protection of*
25 *the conservation area. The plan shall be developed with full*

1 *opportunity for public participation and comment, and*
2 *shall contain provisions designed to assure access to and*
3 *protection of the heritage, tourism, recreational, historical,*
4 *scenic, archaeological, paleontological, biological, cultural,*
5 *scientific, educational, and economic resources and values*
6 *of the conservation area.*

7 (d) VISITORS.—

8 (1) VISITORS CENTER.—*The Secretary may es-*
9 *tablish, in cooperation with the Advisory Council and*
10 *other public or private entities as the Secretary con-*
11 *siders appropriate, a visitors center designed to inter-*
12 *pret the history and the geological, ecological, natural,*
13 *cultural, and other resources of the conservation area.*

14 (2) VISITORS USE OF AREA.—*In addition to the*
15 *Visitors Center, the Secretary may provide for visitor*
16 *use of the public lands in the conservation area to*
17 *such extent and in such manner as the Secretary con-*
18 *siders consistent with the purposes for which the con-*
19 *servation area is established. To the extent prac-*
20 *ticable, the Secretary shall make available to visitors*
21 *and other members of the public a map of the con-*
22 *servation area and such other educational and inter-*
23 *pretive materials as may be appropriate.*

24 (e) COOPERATIVE AGREEMENTS.—*The Secretary may*
25 *provide technical assistance to, and enter into such coopera-*

1 *tive agreements and contracts with, the State of Utah and*
 2 *with local governments and private entities as the Secretary*
 3 *deems necessary or desirable to carry out the purposes and*
 4 *policies of this title.*

5 **SEC. 204. ADDITIONS.**

6 (a) *ADDITION TO CONSERVATION AREA.*—*Any lands*
 7 *located within the boundaries of the conservation area that*
 8 *are acquired by the United States on or after the date of*
 9 *enactment of this Act shall become a part of the conserva-*
 10 *tion area and shall be subject to this title.*

11 (b) *LAND EXCHANGES TO RESOLVE CONFLICTS.*—*The*
 12 *Secretary shall, within 4 years after the date of enactment*
 13 *of this Act, study, identify, and initiate voluntary land ex-*
 14 *changes which would resolve ownership-related land use*
 15 *conflicts within the conservation area. Lands may be ac-*
 16 *quired under this subsection only from willing sellers.*

17 **SEC. 205. ADVISORY COUNCIL.**

18 (a) *ESTABLISHMENT.*—*There is established the San*
 19 *Rafael Swell National Conservation Area Advisory Council.*
 20 *The Advisory Council shall advise the Secretary regarding*
 21 *management of the conservation area.*

22 (b) *MEMBERSHIP.*—

23 (1) *IN GENERAL.*—*The Advisory Council shall*
 24 *consist of 11 members appointed by the Secretary*
 25 *from among persons who are representative of the*

1 *various major citizen's interests concerned with the*
 2 *management of the public lands located in the con-*
 3 *servation area. Of the members—*

4 *(A) 2 shall be appointed from individuals*
 5 *recommended by the Governor of the State of*
 6 *Utah;*

7 *(B) 4 shall be appointed from individuals*
 8 *recommended by the Board of Commissioners of*
 9 *Emery County, Utah, and shall include a rep-*
 10 *resentative of each of the Emery County Public*
 11 *Lands Council and the San Rafael Regional*
 12 *Heritage Council recognized under section*
 13 *104(a);*

14 *(C) 1 shall be the Director of the Bureau of*
 15 *Land Management in the State of Utah, or his*
 16 *or her designee; and*

17 *(D) 4 shall be selected by the Secretary.*

18 *(2) APPOINTMENT PROCESS.—The Secretary*
 19 *shall appoint the members of the Advisory Council in*
 20 *accordance with rules prescribed by the Secretary.*

21 *(3) TERMS.—(A) The term of members of the Ad-*
 22 *visory Council shall be a period established by the*
 23 *Secretary, which may not exceed 4 years and which,*
 24 *except as provided by subparagraph (B), shall be the*
 25 *same for all members.*

1 (B) *In appointing the initial members of the Ad-*
2 *visory Council, the Secretary shall, for a portion of*
3 *the members, specify terms that are shorter than the*
4 *period established under subparagraph (A), as nec-*
5 *essary to achieve staggering of terms.*

6 (c) *CHAIRPERSON.—The Advisory Council shall have*
7 *a Chairperson, who shall be selected by the Advisory Coun-*
8 *cil from among its members.*

9 (d) *MEETINGS.—The Advisory Council shall meet at*
10 *least twice each year, at the call of the Secretary or the*
11 *Chairperson.*

12 (e) *PAY AND EXPENSES.—Members of the Advisory*
13 *Council shall serve without pay, except travel and per diem*
14 *shall be paid to each member for meetings called by the Sec-*
15 *retary or the Chairperson.*

16 (f) *FURNISHING ADVICE.—The Advisory Council may*
17 *furnish advice to the Secretary with respect to the planning*
18 *and management of the public lands within the conserva-*
19 *tion area and such other matters as may be referred to it*
20 *by the Secretary.*

21 (g) *TERMINATION.—The Advisory Council shall termi-*
22 *nate 10 years after the date of the enactment of this Act,*
23 *unless otherwise extended by law.*

1 **SEC. 206. RELATIONSHIP TO OTHER LAWS AND ADMINIS-**
 2 **TRATIVE PROVISIONS.**

3 (a) *PUBLIC LAND LAWS.*—*Except as otherwise specifi-*
 4 *cally provided in this Act, nothing in this title shall be con-*
 5 *strued as limiting the applicability to lands in the con-*
 6 *servation area of laws applicable to public lands generally,*
 7 *including but not limited to the National Historic Preserva-*
 8 *tion Act (16 U.S.C. 470 et seq.), the Archaeological Re-*
 9 *sources Protection Act of 1979 (16 U.S.C. 470aa et seq.),*
 10 *or the Native American Graves Protection and Repatri-*
 11 *ation Act (25 U.S.C. 3001 et seq.).*

12 (b) *NON-BLM LAND.*—*Nothing in this title shall be*
 13 *construed as by itself altering the status of any lands that*
 14 *on the date of enactment of this Act were not managed by*
 15 *the Bureau of Land Management.*

16 **SEC. 207. COMMUNICATIONS EQUIPMENT.**

17 *Nothing in this Act shall be construed to prohibit the*
 18 *Secretary from authorizing the installation of communica-*
 19 *tions equipment in the conservation area for public safety*
 20 *purposes, other than within areas designated as wilderness,*
 21 *to the highest practicable degree consistent with require-*
 22 *ments and restrictions otherwise applicable to the conserva-*
 23 *tion area.*

Subtitle B—Wilderness Areas
Within Conservation Area

SEC. 221. DESIGNATION OF WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the conservation area, as generally depicted on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998, are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) Crack Canyon Wilderness Area, consisting of approximately 25,624 acres.

(2) Mexican Mountain Wilderness Area, consisting of approximately 27,257 acres.

(3) Muddy Creek Wilderness Area, consisting of approximately 39,348 acres.

(4) San Rafael Reef Wilderness Area, consisting of approximately 48,227 acres.

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and a legal description of each area designated as wilderness by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each map and description shall have the same force and

1 *effect as if included in this Act, except that the Secretary*
 2 *may correct clerical and typographical errors in such maps*
 3 *and legal descriptions. Each map and legal description*
 4 *shall be on file and available for public inspection in the*
 5 *office of the Director of the Bureau of Land Management,*
 6 *and the office of the State Director of the Bureau of Land*
 7 *Management in the State of Utah, Department of the Inte-*
 8 *rior.*

9 **SEC. 222. ADMINISTRATION OF WILDERNESS AREAS.**

10 (a) *IN GENERAL.*—Subject to valid existing rights and
 11 *the full exercise of those rights, each area designated as wil-*
 12 *derness by this title shall be administered by the Secretary*
 13 *in accordance with this title and the Wilderness Act (16*
 14 *U.S.C. 1131 et seq.).*

15 (b) *INCORPORATION OF ACQUIRED LANDS AND INTER-*
 16 *ESTS.*—Any lands or interest in lands within the bound-
 17 *aries of an area designated as wilderness by this title that*
 18 *is acquired by the United States after the date of the enact-*
 19 *ment of this Act shall be added to and administered as part*
 20 *of the wilderness area within which the acquired lands or*
 21 *interest in lands are located.*

22 (c) *MANAGEMENT PLANS.*—As soon as possible after
 23 *the date of the enactment of this Act, the Secretary, in co-*
 24 *operation with the Advisory Council, shall prepare plans*
 25 *in accordance with section 202 of the Federal Land Policy*

1 *and Management Act of 1976 (43 U.S.C. 1712) to manage*
 2 *the areas designated as wilderness by this title.*

3 **SEC. 223. LIVESTOCK.**

4 *Grazing of livestock in areas designated as wilderness*
 5 *by this Act, where such grazing is established before the date*
 6 *of the enactment of this Act—*

7 *(1) may not be reduced, increased, or with-*
 8 *drawn, except based solely on scientific analyses of*
 9 *range conditions; and*

10 *(2) shall be administered in accordance with sec-*
 11 *tion 4(d)(4) of the Wilderness Act (16 U.S.C.*
 12 *1133(d)(4)) and the guidelines set forth in House Re-*
 13 *port 96–1126.*

14 **SEC. 224. WILDERNESS RELEASE.**

15 *(a) FINDING.—The Congress finds and directs that*
 16 *public lands administered by the Bureau of Land Manage-*
 17 *ment within the conservation area in the County of Emery,*
 18 *Utah, that are depicted on the map entitled “San Rafael*
 19 *Swell National Heritage/Conservation Area Proposed”,*
 20 *dated June 12, 1998, have been adequately studied for wil-*
 21 *derness designation pursuant to section 603 of the Federal*
 22 *Land Policy and Management Act of 1976 (43 U.S.C.*
 23 *1782).*

24 *(b) RELEASE.—Any public lands administered by the*
 25 *Bureau of Land Management within the conservation area*

1 *in the County of Emery, Utah, that are depicted on the*
 2 *map entitled “San Rafael Swell National Heritage/Con-*
 3 *servation Area Proposed”, dated June 12, 1998, and that*
 4 *are not designated as wilderness by this title are no longer*
 5 *subject to section 603(c) of the Federal Land Policy and*
 6 *Management Act of 1976 (43 U.S.C. 1782(c)). Such lands*
 7 *shall be managed for public uses as defined in section 103(c)*
 8 *of the Federal Land Policy and Management Act of 1976*
 9 *(43 U.S.C. 1702(c)) and in accordance with land manage-*
 10 *ment plans adopted pursuant to section 202 of such Act*
 11 *(43 U.S.C. 1712) and this Act.*

12 ***Subtitle C—Other Special*** 13 ***Management Areas***

14 ***SEC. 231. SAN RAFAEL SWELL DESERT BIGHORN SHEEP*** 15 ***MANAGEMENT AREA.***

16 *(a) ESTABLISHMENT AND PURPOSES.—*

17 *(1) ESTABLISHMENT.—There is hereby estab-*
 18 *lished in the conservation area the San Rafael Swell*
 19 *Desert Bighorn Sheep Management Area (in this sec-*
 20 *tion referred to as the “management area”).*

21 *(2) PURPOSES.—The purposes of the manage-*
 22 *ment area are the following:*

23 *(A) To provide for the prudent management*
 24 *of Desert Bighorn Sheep and their habitat in the*
 25 *Sid’s Mountain area of the conservation area.*

1 (B) To provide opportunities for watchable
2 wildlife, hunting, and scientific study of Desert
3 Bighorn Sheep and their habitat.

4 (C) To provide a seed source for other
5 Desert Bighorn Sheep herds, and a gene pool to
6 protect genetic diversity within the Desert Big-
7 horn Sheep species.

8 (D) To provide educational opportunities to
9 the public regarding Desert Big Horn Sheep and
10 their environs.

11 (E) To maintain the natural qualities of
12 the lands and habitat of the management area to
13 the extent practicable with prudent management
14 of desert bighorn sheep.

15 (b) *AREA INCLUDED.*—The management area shall
16 consist of approximately 73,909 acres of federally owned
17 lands and interests therein managed by the Bureau of Land
18 Management as generally depicted on the map entitled
19 “San Rafael Swell National Heritage/Conservation Area
20 Proposed”, dated June 12, 1998.

21 (c) *MANAGEMENT AND USE.*—

22 (1) *IN GENERAL.*—Except as otherwise provided
23 in this section, the management area and use of the
24 management area shall be subject to all requirements
25 and restrictions that apply to the conservation area.

1 (2) *MECHANIZED TRAVEL.*—*The Secretary shall*
 2 *not allow any mechanized travel in the management*
 3 *area, except—*

4 *(A) mechanized travel that is in accordance*
 5 *with the plan; and*

6 *(B) mechanized travel by personnel of the*
 7 *Utah Division of Wildlife Resources and the Bu-*
 8 *reau of Land Management, including overflights*
 9 *of aircraft and landings of helicopters, may be*
 10 *allowed as needed to manage the Desert Bighorn*
 11 *Sheep and their habitat.*

12 (3) *DESERT BIGHORN SHEEP MANAGEMENT.*—
 13 *The Secretary and the Utah Division of Wildlife Re-*
 14 *sources may use such management tools as are needed*
 15 *to provide for the sustainability of the Desert Bighorn*
 16 *Sheep herd and the range resource of the management*
 17 *area, including animal transplanting (both into and*
 18 *out of the management area), hunting, water develop-*
 19 *ment, fencing, surveys, prescribed fire, control of nox-*
 20 *ious or invading weeds, and predator control.*

21 (4) *WILDLIFE VIEWING.*—*The Secretary, in co-*
 22 *operation with the State of Utah and the Advisory*
 23 *Council, shall manage the management area to pro-*
 24 *vide opportunities for the public to view Desert Big-*
 25 *horn Sheep in their natural habitat. However, the*

1 *Secretary may restrict mechanized and nonmecha-*
2 *nized visitation to sensitive areas during critical sea-*
3 *sons as needed to provide for the proper management*
4 *of the Desert Bighorn Sheep herd of the management*
5 *area.*

6 *(d) MANAGEMENT PLAN.—*

7 *(1) IN GENERAL.—The Secretary shall include a*
8 *management plan for the management area in the*
9 *management plan for the conservation area under sec-*
10 *tion 203.*

11 *(2) CONTENTS.—The management plan for the*
12 *management area shall establish goals and manage-*
13 *ment steps to be taken within the management area*
14 *to achieve the purposes of the management area under*
15 *subsection (a)(2).*

16 *(3) PARTICIPATION.—The Secretary shall cooper-*
17 *ate with the Utah Division of Wildlife Resources and*
18 *the Advisory Council in developing the management*
19 *plan for the management area.*

20 *(e) FACILITIES.—*

21 *(1) IN GENERAL.—The Secretary may establish,*
22 *operate, and maintain in the management area such*
23 *facilities as are needed to provide for the management*
24 *and safety of recreational users of the management*
25 *area.*

1 (2) *VIEWING SITES.*—*Facilities under this sub-*
 2 *section may include improved sheep viewing sites*
 3 *around the periphery of the management area, if such*
 4 *sites do not interfere with the proper management of*
 5 *the sheep and their habitat.*

6 (f) *DEVELOPMENT OF HERITAGE SITES.*—*This section*
 7 *shall not be construed to preclude the utilization, enhance-*
 8 *ment, and maintenance of national heritage area sites in*
 9 *the management area, if such activities do not conflict with*
 10 *the purposes of the management area under subsection (a).*

11 **SEC. 232. SEMI-PRIMITIVE NONMOTORIZED USE AREAS.**

12 (a) *DESIGNATION AND PURPOSES.*—*The Secretary*
 13 *shall designate areas in the conservation area as semi-*
 14 *primitive nonmotorized use areas. The purposes of the semi-*
 15 *primitive areas are the following:*

16 (1) *To provide opportunities for isolation from*
 17 *the sights and sounds of man.*

18 (2) *To provide opportunities to have a high de-*
 19 *gree of interaction with the natural environment.*

20 (3) *To provide opportunities for recreational*
 21 *users to practice outdoor skills in settings that present*
 22 *moderate challenge and risk.*

23 (b) *AREA INCLUDED.*—*The semi-primitive areas shall*
 24 *consist generally of approximately 120,695 acres of feder-*
 25 *ally owned lands and interests therein located in the con-*

1 *ervation area that are managed by the Bureau of Land*
 2 *Management, as generally depicted on the map entitled*
 3 *“San Rafael Swell National Heritage/Conservation Area*
 4 *Proposed”, dated June 12, 1998.*

5 *(c) MANAGEMENT AND USE.—Except as otherwise pro-*
 6 *vided in this section, semi-primitive areas shall be subject*
 7 *to all requirements and restrictions that apply to the con-*
 8 *ervation area.*

9 *(d) MANAGEMENT PLAN.—*

10 *(1) IN GENERAL.—The Secretary shall include a*
 11 *management plan for the semi-primitive areas in the*
 12 *management plan for the conservation area under sec-*
 13 *tion 203.*

14 *(2) CONTENTS.—The management plans for the*
 15 *semi-primitive areas shall establish goals and man-*
 16 *agement steps to be taken within the semi-primitive*
 17 *areas to achieve the purposes under subsection (a).*

18 *(e) DEVELOPMENT OF HERITAGE SITES.—This section*
 19 *shall not be construed to preclude the utilization, enhance-*
 20 *ment, and maintenance of national heritage area sites in*
 21 *any semi-primitive area, if such activities do not conflict*
 22 *with the purposes of the semi-primitive areas under sub-*
 23 *section (a).*

1 **SEC. 233. SCENIC VISUAL AREA OF CRITICAL ENVIRON-**
 2 **MENTAL CONCERN.**

3 (a) *DESIGNATION AND PURPOSE.*—*The Secretary shall*
 4 *designate areas in the conservation area as a scenic visual*
 5 *area of critical environmental concern (in this section re-*
 6 *ferred to as the “scenic visual ACEC”). The purpose of the*
 7 *scenic visual ACEC is to preserve the scenic value of the*
 8 *Interstate Route 70 corridor within the conservation area.*

9 (b) *AREA INCLUDED.*—*The scenic visual ACEC shall*
 10 *consist generally of approximately 27,670 acres of lands*
 11 *and interests therein located in the conservation area bor-*
 12 *dering Interstate Route 70 that are managed by the Bureau*
 13 *of Land Management, as generally depicted on the map en-*
 14 *titled “San Rafael Swell National Heritage/Conservation*
 15 *Area Proposed”, dated June 12, 1998.*

16 (c) *MANAGEMENT AND USE.*—*Except as otherwise pro-*
 17 *vided in this section, the scenic visual ACEC shall be subject*
 18 *to all requirements and restrictions that apply to the con-*
 19 *servation area, and shall be managed to protect scenic val-*
 20 *ues in accordance with the Bureau of Land Management*
 21 *document entitled “San Rafael Resource Management Plan,*
 22 *Utah, Moab District, San Rafael Resource Area, 1991”.*

23 **TITLE III—GENERAL**
 24 **MANAGEMENT PROVISIONS**

25 **SEC. 301. LIVESTOCK GRAZING.**

26 (a) *AREAS OTHER THAN WILDERNESS.*—

1 (1) *IN GENERAL.*—*Except as provided in sub-*
2 *section (b), the Secretary shall permit domestic live-*
3 *stock grazing in areas of the conservation area where*
4 *grazing was established before the enactment of this*
5 *Act. Grazing in such areas may not be reduced, in-*
6 *creased, or withdrawn, except based solely on sci-*
7 *entific analyses of range conditions.*

8 (2) *COMPLIANCE WITH APPLICABLE REQUIRE-*
9 *MENTS.*—*Except as provided in subsection (b), any*
10 *livestock grazing on public lands within the conserva-*
11 *tion area and activities the Secretary determines nec-*
12 *essary to carry out proper and practical grazing*
13 *management programs on such public lands (such as*
14 *animal damage control activities), shall be managed*
15 *in accordance with the Act of June 28, 1934 (43*
16 *U.S.C. 315 et seq.; commonly referred to as the “Tay-*
17 *lor Grazing Act”), section 402 of the Federal Land*
18 *Policy and Management Act of 1976 (43 U.S.C.*
19 *1752), other laws applicable to such use and pro-*
20 *grams on the public lands, and the management plan*
21 *for the conservation area.*

22 (3) *CERTAIN WATER FACILITIES NOT AF-*
23 *FECTED.*—*Nothing in this Act shall affect the mainte-*
24 *nance, repair, replacement, or improvement of, or in-*
25 *gress to or egress from, water catchment, storage, and*

1 *conveyance facilities in existence before the date of the*
 2 *enactment of this Act that are associated with live-*
 3 *stock or wildlife purposes, whether located within or*
 4 *outside of the boundaries of areas designated as part*
 5 *of the conservation area under this Act.*

6 (b) *WILDERNESS.*—Subsection (a) shall not apply to
 7 *any wilderness designated by this Act.*

8 **SEC. 302. CULTURAL AND PALEONTOLOGICAL RESOURCES.**

9 *The Secretary shall allow for the discovery of, shall*
 10 *protect, and may interpret, cultural or paleontological re-*
 11 *sources located within areas designated as part of the con-*
 12 *servation area, to the extent consistent with the other provi-*
 13 *sions of this Act governing management of those areas.*

14 **SEC. 303. LAND EXCHANGES RELATING TO SCHOOL AND IN-**
 15 **STITUTIONAL TRUST LANDS.**

16 (a) *EXCHANGE AUTHORIZED.*—

17 (1) *IDENTIFICATION OF LANDS AND INTERESTS*
 18 *BY STATE.*—Not later than 1 year after the date of en-
 19 *actment of this Act, the Governor of the State of Utah*
 20 *may identify, describe, and notify the Secretary of*
 21 *any school and institutional trust lands the value or*
 22 *economic potential of which may be diminished by es-*
 23 *tablishment of the conservation area under this Act,*
 24 *and that the State would like to exchange for other*

1 *Federal lands or interests in land within the State of*
 2 *Utah.*

3 (2) *OFFER BY SECRETARY.*—*Not later than 1*
 4 *year after the date of receipt of notification under*
 5 *subsection (a), and after seeking the advice of the*
 6 *Governor of the State of Utah on potential lands for*
 7 *exchange, the Secretary shall transmit to the Gov-*
 8 *ernor a list of Federal lands or interests in lands*
 9 *within the State of Utah that the Secretary believes*
 10 *are approximately equivalent in value to the lands*
 11 *described in subsection (a) of this section, and shall*
 12 *offer such lands for exchange to the State for the lands*
 13 *described in subsection (a).*

14 (b) *ENSURING EQUIVALENT VALUE.*—

15 (1) *IN GENERAL.*—*In preparing the list under*
 16 *subsection (a)(2), the Secretary shall take all steps as*
 17 *are necessary and reasonable to ensure that the State*
 18 *of Utah agrees that the lands offered by the Secretary*
 19 *are approximately equivalent in value to the lands*
 20 *identified and described by the State under subsection*
 21 *(a)(1).*

22 (2) *ACCOUNTING FOR REVENUE SHARING.*—*If the*
 23 *State of Utah shares revenue from the properties to be*
 24 *acquired by the State under this section, the value of*
 25 *such properties shall be the value otherwise established*

1 *under this section, reduced by a percentage that rep-*
 2 *resents the Federal revenue sharing obligation. The*
 3 *amount of such reduction shall not be considered a*
 4 *property right of the State of Utah.*

5 *(c) PUBLIC INTEREST.—The exchange of lands in-*
 6 *cluded in the list prepared under subsection (a)(2) shall be*
 7 *construed as satisfying the provisions of section 206(a) of*
 8 *the Federal Land Policy and Management Act of 1976 re-*
 9 *quiring that exchanges of lands be in the public interest.*

10 *(d) DEFINITIONS.—As used in this section:*

11 *(1) SCHOOL AND INSTITUTIONAL TRUST*
 12 *LANDS.—The term “school and institutional trust*
 13 *lands” means those properties granted by the United*
 14 *States in the Utah Enabling Act to the State of Utah*
 15 *in trust, and other lands that under State law must*
 16 *be managed for the benefit of the public school system*
 17 *or the institutions of the State that are designated by*
 18 *the Utah Enabling Act, that are located in the con-*
 19 *servation area.*

20 *(2) UTAH ENABLING ACT.—The term “Utah En-*
 21 *abling Act” means the Act entitled “An Act to enable*
 22 *the people of Utah to form a constitution and State*
 23 *government, and to be admitted into the Union on an*
 24 *equal footing with the original States”, approved July*
 25 *16, 1894 (chapter 138; 28 Stat. 107).*

1 **SEC. 304. WATER RIGHTS.**

2 (a) *FINDINGS.—The Congress finds the following:*

3 (1) *The San Rafael Swell region of Utah is a*
4 *high desert climate with little annual precipitation*
5 *and scarce water resources.*

6 (2) *In order to preserve the limited amount of*
7 *water available to wildlife, the State of Utah has*
8 *granted to the Division of Wildlife Resources an in-*
9 *stream flow right in the San Rafael River.*

10 (3) *This preserved right will guarantee that wet-*
11 *land and riparian habitats within the San Rafael re-*
12 *gion will be protected for designations such as wilder-*
13 *ness, semi-primitive areas, bighorn sheep, and other*
14 *Federal land needs within the San Rafael Swell re-*
15 *gion.*

16 (b) *NO FEDERAL RESERVATION.—Nothing in this Act*
17 *or any other Act of Congress shall constitute or be construed*
18 *to constitute either an express or implied Federal reserva-*
19 *tion of water or water rights for any purpose arising from*
20 *the designation of areas as part of the conservation area*
21 *or as a wilderness or semi-primitive area under this Act.*

22 (c) *ACQUISITION AND EXERCISE OF WATER RIGHTS*
23 *UNDER UTAH LAW.—The United States may acquire and*
24 *exercise such water rights as it deems necessary to carry*
25 *out its responsibilities on any lands designated as part of*
26 *the conservation area under this Act pursuant to the sub-*

1 *stantive and procedural requirements of the State of Utah.*
 2 *Nothing in this Act shall be construed to authorize the use*
 3 *of eminent domain by the United States to acquire water*
 4 *rights for such lands. Within areas designated as part of*
 5 *the conservation area under this Act, all rights to water*
 6 *granted under the laws of the State of Utah may be exer-*
 7 *cised in accordance with the substantive and procedural re-*
 8 *quirements of the State of Utah.*

9 (d) *EXERCISE OF WATER RIGHTS GENERALLY UNDER*
 10 *UTAH LAWS.—Nothing in this Act shall be construed to*
 11 *limit the exercise of water rights as provided under the laws*
 12 *of the State of Utah.*

13 (e) *COLORADO RIVER.—Nothing in this Act shall be*
 14 *construed to affect the operation of any existing private,*
 15 *local, State, or federally owned dam, reservoir, or other*
 16 *water works on the Colorado River or its tributaries. Noth-*
 17 *ing in this Act shall alter, amend, construe, supersede, or*
 18 *preempt any local, State, or Federal law; any existing pri-*
 19 *vate, local, or State agreement; or any interstate compact*
 20 *or international treaty pertaining to the waters of the Colo-*
 21 *rado River or its tributaries.*

22 **SEC. 305. MISCELLANEOUS.**

23 (a) *STATE FISH AND WILDLIFE MANAGEMENT.—In*
 24 *accordance with section 4(d)(7) of the Wilderness Act (16*
 25 *U.S.C. 1131(d)(7)), nothing in this Act shall be construed*

1 *as affecting the jurisdiction or responsibilities of the State*
2 *of Utah with respect to fish and wildlife management ac-*
3 *tivities, including water development, predator control,*
4 *transplanting animals, stocking fish, hunting, fishing and*
5 *trapping.*

6 (b) *PROHIBITION OF BUFFER ZONES.—The Congress*
7 *does not intend that the designation of an area by this Act*
8 *as part of the conservation area or a wilderness or semi-*
9 *primitive area lead to the creation of protective perimeters*
10 *or buffer zones around the area. It is the intention of the*
11 *Congress that any protective perimeter or buffer zone be lo-*
12 *cated wholly within such an area. The fact that non-*
13 *conforming activities or uses can be seen or heard from land*
14 *within such an area shall not, of itself, preclude such activi-*
15 *ties or uses up to the boundary of the area. Nonconforming*
16 *activities that occur outside of the boundaries of such an*
17 *area designated by this Act shall not be taken into account*
18 *in assessing unnecessary and undue degradation of such an*
19 *area.*

20 (c) *ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.—*
21 *Unless depicted otherwise on a map referred to in this Act,*
22 *where roads form the boundaries of an area designated as*
23 *part of the conservation area or a wilderness or semi-primi-*
24 *tive area under this Act, the boundary of the area shall be*
25 *set back from the center line of the road as follows:*

1 (1) *A setback that corresponds with the boundary*
 2 *of the right-of-way for Interstate 70.*

3 (2) *150 feet for high standard roads.*

4 (3) *100 feet for roads classified as County Class*
 5 *B roads.*

6 (4) *50 feet for roads equivalent to County Class*
 7 *D roads.*

8 (d) *ACCESS.—*

9 (1) *REASONABLE ACCESS ALLOWED.—Subject to*
 10 *valid existing rights, reasonable access shall be al-*
 11 *lowed to existing improvements, structures, and facili-*
 12 *ties, including those related to water and grazing re-*
 13 *sources, which are within the conservation area or a*
 14 *wilderness or semi-primitive area designated under*
 15 *this Act, whether located on Federal or non-Federal*
 16 *lands, in order that they may be operated, main-*
 17 *tained, repaired, modified, or replaced as necessary.*

18 (2) *REASONABLE ACCESS DEFINED.—For the*
 19 *purposes of this subsection, the term “reasonable ac-*
 20 *cess” means right of entry and includes access by mo-*
 21 *torized transport when necessarily, customarily, or*
 22 *historically employed on routes in existence as of the*
 23 *date of the enactment of this Act.*

24 (e) *LAND ACQUISITION BY EXCHANGE OR PUR-*
 25 *CHASE.—The Secretary shall offer to acquire from non-gov-*

1 *ernmental entities lands and interests in lands located*
 2 *within or adjacent to the conservation area or a wilderness*
 3 *or semi-primitive area designated under this Act. Lands*
 4 *may be acquired under this subsection only by exchange or*
 5 *purchase from willing sellers.*

6 *(f) RIGHTS-OF-WAY.—*

7 *(1) RIGHT-OF-WAY CLAIMS NOT AFFECTED.—*
 8 *Nothing in this Act, including any reference to or de-*
 9 *scription on the map entitled “San Rafael Swell Na-*
 10 *tional Heritage/Conservation Area Proposed”, dated*
 11 *June 12, 1998, affects any right-of-way claim that*
 12 *arose under section 2477 of the Revised Statutes (43*
 13 *U.S.C. 932).*

14 *(2) DEPICTIONS NOT DETERMINATIVE.—Any de-*
 15 *scription or lack of depiction of a highway, road, right-*
 16 *of-way, or trail on the map entitled “San Rafael*
 17 *Swell National Heritage/Conservation Area Pro-*
 18 *posed”, dated June 12, 1998, shall not be considered*
 19 *in any determination under section 2477 of the Re-*
 20 *vised Statutes (43 U.S.C. 932) of whether or not such*
 21 *highway, road, right-of-way, or trail exists.*